

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA

UNITED STATES OF AMERICA,)
Plaintiff,)
v.)
SCOTT RYAN DEMUTH,)
Defendant.)
Criminal No. 3:09-cr-117
MOTION IN LIMINE

The United States of America, in the Southern District of Iowa, by and through the United States Attorney for the Southern District of Iowa and his Assistant United States Attorney Clifford R. Cronk III moves this Court *in limine* to exclude any and all exhibits and physical items tendered by the defendant until defendant establishes he could not have disclosed these items in a timely manner. As grounds for the motion the Government states the following:

1. During a pre-trial conference in this matter, Defendant asked for additional time to prepare for trial. Accordingly, the trial was set for September 13, 2010. During the pre-trial conference, the Court ordered Defendant to provide reciprocal discovery by May 28, 2010. The United States has requested reciprocal discovery.
2. Rule 16(c) of the Federal Rules of Criminal Procedure require the defendant to permit the Government "to inspect and to copy or photograph books, papers, documents, data, photographs, tangible objects, buildings or places, or copies or portions of any of these items" if the item is within the defendant's possession, custody,

or control and the defendant intends to use the item in the defendant's case-in-chief at trial.

3. To date, defendant has provided no reciprocal discovery to the Government, such discovery has been ordered, and the Government has requested the discovery materials.

WHEREFORE, the United States respectfully requests that the Court exclude any and all exhibits and evidence offered by the defendant in it's case-in-chief or during examination of witnesses and presented in violation of the Court's reciprocal discovery deadline.

Respectfully Submitted,

Nicholas A. Klinefeldt
United States Attorney

By: /s/ _____
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CERTIFICATE OF SERVICE

I hereby certify that on August 19, 2010, I electronically filed the foregoing with the Clerk of Court using the CM ECF system. I hereby certify that a copy of this document was served on the parties or attorneys of record by:

U.S. Mail Fax Hand Delivery

ECF/Electronic filing Other means

UNITED STATES ATTORNEY

By: /s/
Clifford R. Cronk III